

**OFFICE OF AMERICAN INDIAN-ALASKA NATIVE AFFAIRS**

2022 GENERAL SESSION

STATE OF UTAH

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**LONG TITLE****General Description:**

This bill creates the Office of American Indian-Alaska Native Affairs within the Department of Health and Human Services.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ creates the Office of American Indian-Alaska Native Affairs within the Department of Health and Human Services;
- ▶ moves the American Indian-Alaska Native Health Office and the American Indian-Alaska Native Health Liaison to the Office of American Indian-Alaska Native Affairs;
- ▶ requires the executive directors of the Department of Health and the Department of Human Services to jointly appoint:
  - a director of the Office of American Indian-Alaska Native Affairs;
  - an Indian Child Welfare Act Liaison; and
  - an American Indian-Alaska Native Health Liaison;
- ▶ requires the Indian Child Welfare Act Liaison and the director of the Office of American Indian-Alaska Native Affairs to meet certain qualifications;
- ▶ defines the duties of the Office of American Indian-Alaska Native Affairs and the Indian Child Welfare Act Liaison;
- ▶ modifies the duties of the American Indian-Alaska Native Health Liaison;
- ▶ creates reporting requirements; and
- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill provides a special effective date.

33 **Utah Code Sections Affected:**

34 AMENDS:

35 **9-9-104.6**, as last amended by Laws of Utah 2021, Chapters 184 and 282

36 ENACTS:

37 **26B-1-301**, Utah Code Annotated 195338 **26B-1-302**, Utah Code Annotated 195339 **26B-1-303**, Utah Code Annotated 195340 **26B-1-304**, Utah Code Annotated 195341 **26B-1-305**, Utah Code Annotated 195342 **26B-1-307**, Utah Code Annotated 195343 **26B-1-308**, Utah Code Annotated 1953

44 RENUMBERS AND AMENDS:

45 **26B-1-306**, (Renumbered from 26-7-2.5, as last amended by Laws of Utah 2020,  
46 Chapter 236)

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48 *Be it enacted by the Legislature of the state of Utah:*49 Section 1. Section **9-9-104.6** is amended to read:50 **9-9-104.6. Participation of state agencies in meetings with tribal leaders --**51 **Contact information.**52 (1) For at least three of the joint meetings described in Subsection 9-9-104.5(2)(a), the  
53 division shall coordinate with representatives of tribal governments and the entities listed in  
54 Subsection (2) to provide for the broadest participation possible in the joint meetings.

55 (2) The following may participate in all meetings described in Subsection (1):

56 (a) the chairs of the Native American Legislative Liaison Committee created in Section  
57 36-22-1;

58 (b) the governor or the governor's designee;

59 (c) the American Indian-Alaska Native Health Liaison appointed in accordance with  
60 Section [26-7-2.5] 26B-1-306;61 (d) the American Indian-Alaska Native Public Education Liaison appointed in  
62 accordance with Section 53F-5-604; and

63 (e) a representative appointed by the chief administrative officer of the following:

- (i) the Department of Human Services;
- (ii) the Department of Natural Resources;
- (iii) the Department of Workforce Services;
- (iv) the Governor's Office of Economic Opportunity;
- (v) the State Board of Education; and
- (vi) the Utah Board of Higher Education.

(3) (a) The chief administrative officer of the agencies listed in Subsection (3)(b) shall:

(i) designate the name of a contact person for that agency that can assist in coordinating the efforts of state and tribal governments in meeting the needs of the Native Americans residing in the state; and

(ii) notify the division:

(A) who is the designated contact person described in Subsection (3)(a)(i); and

(B) of any change in who is the designated contact person described in Subsection (3)(a)(i).

(b) This Subsection (3) applies to:

- (i) the Department of Agriculture and Food;
- (ii) the Department of Cultural and Community Engagement;
- (iii) the Department of Corrections;
- (iv) the Department of Environmental Quality;
- (v) the Department of Public Safety;
- (vi) the Department of Transportation;
- (vii) the Office of the Attorney General;
- (viii) the State Tax Commission; and
- (ix) any agency described in Subsections (2)(c) through (e).

(c) At the request of the division, a contact person listed in Subsection (3)(b) may participate in a meeting described in Subsection (1).

(4) (a) A participant under this section who is not a legislator may not receive compensation or benefits for the participant's service, but may receive per diem and travel expenses as allowed in:

- (i) Section 63A-3-106;
- (ii) Section 63A-3-107; and

(iii) rules made by the Division of Finance according to Sections 63A-3-106 and 63A-3-107.

(b) Compensation and expenses of a participant who is a legislator are governed by Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.

Section 2. Section **26B-1-301** is enacted to read:

**Part 3. Office of American Indian-Alaska Native Affairs**

**26B-1-301. Title.**

This part is known as "Office of American Indian-Alaska Native Affairs."

Section 3. Section **26B-1-302** is enacted to read:

**26B-1-302. Definitions.**

As used in this part:

(1) "Director" means the director of the office appointed under Section 26B-1-304.

(2) "Health care" means care, treatment, service, or a procedure to improve, maintain, diagnose, or otherwise affect an individual's physical or mental condition.

(3) "Health liaison" means the American Indian-Alaska Native Health Liaison appointed under Section 26B-1-306.

(4) "ICWA liaison" means the Indian Child Welfare Act Liaison appointed under Section 26B-1-307.

(5) "Office" means the Office of American Indian-Alaska Native Affairs created in Section 26B-1-303.

Section 4. Section **26B-1-303** is enacted to read:

**26B-1-303. Office of American Indian-Alaska Native Affairs -- Creation -- Purpose.**

(1) There is created within the department the Office of American Indian-Alaska Native Affairs.

(2) The purpose of the office is to oversee and coordinate department services for Utah's American Indian-Alaska Native populations.

Section 5. Section **26B-1-304** is enacted to read:

**26B-1-304. Director of the office -- Appointment -- Qualifications -- Staff.**

(1) The executive director of the Department of Health and the executive director of the Department of Human Services shall jointly appoint a director of the office who:

(a) has a bachelor's degree from an accredited university or college;

(b) is experienced in administration; and

(c) is knowledgeable about the areas of American Indian-Alaska Native practices.

(2) The director is the administrative head of the office and shall serve under the joint supervision of the executive directors.

(3) The executive directors may hire staff as necessary to carry out the duties of the office described in Section 26B-1-305.

Section 6. Section **26B-1-305** is enacted to read:

**26B-1-305. Duties of the office.**

The office shall:

(1) oversee and coordinate department services for Utah's American Indian-Alaska Native populations;

(2) conduct regular and meaningful consultation with Indian tribes when there is a proposed department action that has an impact on an Indian tribe as a sovereign entity;

(3) monitor agreements between the department and Utah's American Indian-Alaska Native populations; and

(4) oversee the health liaison and ICWA liaison.

Section 7. Section **26B-1-306**, which is renumbered from Section 26-7-2.5 is renumbered and amended to read:

**[26-7-2.5]. 26B-1-306. American Indian-Alaska Native Health Liaison -- Appointment -- Duties.**

~~[(1) As used in this section:]~~

~~[(a) "Health care" means care, treatment, service, or a procedure to improve, maintain, diagnose, or otherwise affect an individual's physical or mental condition.]~~

~~[(b) "Liaison" means the American Indian-Alaska Native Health Liaison appointed under this section.]~~

~~[(2) The executive director shall:]~~

~~[(a) establish an office to address health care of Utah's American Indian-Alaska Native population on and off reservations; and]~~

~~[(b) appoint an individual as the American Indian-Alaska Native Health Liaison who serves as the administrative head of the office under the supervision of the executive director.]~~

~~[(3) The office shall on behalf of the executive director and the department:]~~

(1) (a) The executive director of the Department of Health and the executive director of the Department of Human Services shall jointly appoint an individual as the American Indian-Alaska Native Health Liaison.

(b) The health liaison shall serve under the supervision of the director.

(2) The health liaison shall:

(a) promote and coordinate collaborative efforts between the department and Utah's American Indian-Alaska Native population to improve the availability and accessibility of quality health care impacting Utah's American Indian-Alaska Native populations on and off reservations;

(b) interact with the following to improve health disparities for Utah's American Indian-Alaska Native populations:

(i) tribal health programs;

(ii) local health departments;

(iii) state agencies and officials; and

(iv) providers of health care in the private sector;

(c) facilitate education, training, and technical assistance regarding public health and medical assistance programs to Utah's American Indian-Alaska Native populations; and

(d) staff an advisory board by which Utah's tribes may consult with state and local agencies for the development and improvement of public health programs designed to address improved health care for Utah's American Indian-Alaska Native populations on and off the reservation.

~~[(4) The liaison shall annually report the office's activities and accomplishments to the Native American Legislative Liaison Committee created in Section 36-22-1.]~~

Section 8. Section **26B-1-307** is enacted to read:

**26B-1-307. Indian Child Welfare Act Liaison -- Appointment -- Qualifications -- Duties.**

(1) (a) The executive director of the Department of Health and the executive director of the Department of Human Services shall jointly appoint an individual as the Indian Child Welfare Act Liaison who:

(i) has a bachelor's degree from an accredited university or college; and

(ii) is knowledgeable about the areas of child and family services and Indian Tribal child rearing practices.

(b) The ICWA liaison shall serve under the supervision of the director.

(2) The ICWA liaison shall:

(a) act as a liaison between the department and Utah's American Indian populations regarding child and family services;

(b) provide training to department employees regarding the requirements and implementation of the Indian Child Welfare Act, 25 U.S.C. Secs. 1901-1963;

(c) develop and facilitate education and technical assistance programs for Utah's American Indian populations regarding available child and family services;

(d) promote and coordinate collaborative efforts between the department and Utah's American Indian population to improve the availability and accessibility of quality child and family services for Utah's American Indian populations; and

(e) interact with the following to improve delivery and accessibility of child and family services for Utah's American Indian populations:

(i) state agencies and officials; and

(ii) providers of child and family services in the public and private sector.

Section 9. Section **26B-1-308** is enacted to read:

**26B-1-308. Liaison reporting.**

The health liaison and the ICWA liaison shall annually report the liaisons' respective activities and accomplishments to the Native American Legislative Liaison Committee created in Section 36-22-1.

Section 10. **Effective date.**

This bill takes effect on July 1, 2022.